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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,892	07/07/2003	Dinh C. Tat	CING-125	9849

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MOAZZAM & ASSOCIATES, LLC
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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,892

Applicant(s)

TAT ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-7** are rejected under 35 U.S.C. 102(e) as being anticipated by Dwyer et al. (US 2002/0193096 A1).

Regarding **claim(s) 1**, Dwyer discloses an arrangement for transmitting a page (paragraph 0002), the arrangement comprising:

an input to receive DTMF tones constituting a page from a source (paragraph 0028);

logic on a converter to convert the DTMF tones to SMPP protocol (paragraph 0029-0031); and

an output to provide the SMPP protocol to a paging device (paragraph 0032).

Regarding **claim(s) 2**, Dwyer discloses an arrangement, further comprising: a Short Message Service Center to receive the SMPP protocol and to form a Short Message Service message (paragraph 0040).

Regarding **claim(s) 3**, Dwyer discloses an arrangement, further comprising: a switching network element to receive the SMS message and to route the SMS message to a paging device (paragraph 0040).

Regarding **claim(s) 4**, Dwyer discloses a method of sending a page to a paging device (paragraph 0002), the method comprising:

receiving DTMF tones constituting a page from a source (paragraph 0028);
converting the DTMF tones to SMPP protocol (paragraph 0029-0031); and
providing the SMPP protocol to a Short Message Service Center (paragraph 0029-0031).

Regarding **claim(s) 5**, Dwyer discloses a method, further comprising: receiving the DTMF tones from a Public Switched Telephone Network (paragraph 0027).

Regarding **claim(s) 6**, Dwyer discloses a method, further comprising: forming a Short Message Service message from the SMPP protocol (paragraph 0040).

Regarding **claim(s) 7**, Dwyer discloses a method, further comprising:
communicating the SMS message to a paging device (paragraph 0029).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 8-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer in view of Henderson (US 7,142,846 B1).

Regarding **claim(s) 8**, Dwyer discloses a method of sending a page to a paging device (paragraph 0002), the method comprising:

a first network element converting the DTMF tones to SMPP protocol (paragraph 0029-0031);

a second network element converting the SMPP protocol to an SMS message comprising the paging information (paragraph 0029-0031); and

providing the SMS message to a second paging device (paragraph 0032).

Dwyer fails to disclose a paging device providing paging information as DTMF tones.

However, Henderson teaches a paging device providing paging information as DTMF tones (column 30, lines 36-60).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Dwyer using the teaching of sending the paging message as taught by Henderson.

This modification of the invention enables the system to have a paging device providing paging information as DTMF tones so that the information would be converted by the voicemail system.

Regarding **claim(s) 9**, Dwyer discloses a method, further comprising: the first paging device providing the DTMF tones to a Public Switched Telephone Network (paragraph 0027); and

the PSTN communicating the DTMF tones to the network element to convert to SMPP protocol (paragraph 0029).

Regarding **claim(s) 10**, Dwyer discloses a method, further comprising: the first paging device providing the DTMF tones to one of a Voice Mail System and a Private Branch Exchange (paragraph 0029); and

the one of VMS and PBX communicating the DTMF tones to the network element to convert to SMPP protocol (paragraph 0029).

Response to Arguments


7. Applicant's arguments with respect to **claim(s) 1-10** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
December 1, 2006